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Att'y Dkt 9400-0006
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

FRANCIS et al.

Serial No.: 09/657,289

Group Art Unit: 1645

Filing Date: September 7, 2000

Examiner: Unassigned

Title: LUCIFERASE EXPRESSION CASSETTES AND METHODS OF USE

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an Information Disclosure Statement, including a Form PTO-1449 and copies of the cited references. It is believed that no fee is due.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 9 Oct 2001

By: Gary R. Fabian
Gary R. Fabian, Ph.D.
Registration No. 33,875
Agent for Applicants

XENOGEN CORPORATION
860 Atlantic Avenue
Alameda, CA 94501
Telephone: 510-291-6135
Facsimile: 510-291-6134



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Patricia K. [Signature]
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

FRANCIS et al.

Serial No.: 09/657,289

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Title: LUCIFERASE EXPRESSION CASSETTES AND METHODS OF USE

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The information listed below may be material to the examination of the above-identified application. Further, some of the information listed below was cited in an International (PCT) Search Report dated March 26, 2001, in a PCT application corresponding to the above-identified U.S. application. A copy of the Search Report, including an indication of the purported relevance of the cited documents, is enclosed herewith. Copies of the information not previously cited to the Examiner, and a completed PTO-1449 form, are also submitted herewith. The Examiner is requested to make this information of official record in the application. No additional fee is required. The information includes:

United States Patent No. 5,650,135 issued July 22, 1997 to Contag et al.;
United States Patent No. 6,020,121 issued February 1, 2000 to Bao et al.;
United States Patent No. 6,217,847 issued April 17, 2000 to Contag et al.;
International Publication No. WO 96/40979 A1 published December 19, 1996;
International Publication No. WO 97/11690 A2, A3 published April 3, 1997;



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International Publication No. WO 97/18841 published May 29, 1997;
International Publication No. WO 97/40381 A1 published October 30, 1997;
International Publication No. WO 99/14311 A published March 25, 1999;
International Publication No. WO 00/36106 published June 22, 2000;
International Publication No. WO 01/18195 A2 published March 15, 2001;
International Publication No. WO 01/18225 A1 published March 15, 2001;
International Publication No. WO 01/37195 A2 published May 25, 2001;
European Publication No. EP 0 639 641 A published February 22, 1995;
Hahn, T., et al., "Construction and Analysis of Modified Tn4001 Conferring Chloramphenicol Resistance in *Mycoplasma Pneumoniae*," *Plasmid* 41:120-124 (1999);
Jacobs et al., "Highly Bioluminescent *Bacillus Subtilis* Obtained Through High-level Expression of a *luxAB* Fusion Gene," *Mol. Gen. Genet* 230:251-256 (1991);
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Ulitzur, S., J. "Established Technologies and New Approaches in Applying Luminous Bacteria for Analytical Purposes," *Biolumin Chemilumin.* 12:179-92 (1997); and

Zhang et al., "Bioluminescence for Biological Sensing in Living Mammals," *Oxygen Transport to Tissue XXI*, edited by Eke and Delpy. Kluwer Academic/Plenum Publishers, New York, (1999).

This Information Disclosure Statement is not to be construed as a representation that: (i) additional information material to the examination of this application does not exist; (ii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iii) the above information constitutes prior art to the subject invention.

Respectfully submitted,

Date:

9 Oct 2001

By:

Gary R. Fabian

Gary R. Fabian
Registration No. 33,875
Agent for Applicants

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 325-7812
Fax: (650) 325-7823



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Patricia K. Dennis
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Title: LUCIFERASE EXPRESSION CASSETTES AND METHODS OF USE

CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(1)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned hereby certifies that each item of information contained in the Supplemental Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

Respectfully submitted,

Date: 9 Oct 2001

By: Gary R. Fabian
Gary R. Fabian
Registration No. 33,875
Agent for Applicants

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 325-7812
Fax: (650) 325-7823

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M.G.
10/25/01